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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,001	09/24/2003	Kenneth James Park	SLA.1277	6228
55376 7590 01/13/2009 David C. Ripma Sharp Laboratories of America, Inc. 5750 NW Pacific Rim Boulevard Camas, WA 97202				
EXAMINER JACKSON, BLANE J				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 01/13/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,001

Applicant(s)

PARK ET AL.

Examiner

BLANE J. JACKSON

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

The assignment of prior art Muramatsu et al. to Sharp Laboratories of America Inc. is acknowledged. Consequently, Barnes, Jr. is introduced to teach a multi-function communications device comprising conventional mobile phone and personal digital assistant capabilities and an image module. The image module allows the user to scan bar codes or other markings or indicia for processing as instructed by information found in the scanned image or according to a user input.

Information Disclosure Statement

The Information Disclosure Statement filed 14 November 2008 is made of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes, Jr. (US 2005/0136949) in view of Hayes, Jr. et al. (US 5,974,312).

As to claims 5, 6 and 20, Barnes teaches a method of transferring *data* to a mobile communication device having data storage locations therein, wherein the mobile communication device includes an optical capture mechanism (figure 1, paragraph 0028, multi-function communication device (101) that includes a conventional mobile phone and personal digital assistant capabilities and at least an image module (130)), the method comprising:

Reading the one or more graphic representations with the optical capture mechanism of the mobile communication device (paragraph 0029 and 0117, the device comprising an image module with camera to capture digital photographs, bar codes, text and other image data),

Decoding, in the mobile communication device, the one or more graphic representations read by the optical capture mechanism, using the algorithm to convert the one or more graphic representations into data for storage in the mobile communication device (paragraphs 0029, 0117 to 0119, the image data is processed according to instructions or other information found in the scanned image or according to a user input including storage to various types of storage devices), and

Storing the *data* in data storage locations in the mobile communication device (paragraphs 0117, the image module includes the hardware, a camera and software used to receive and process image data).

Hayes teaches a method of processing bar codes and other image data, but does not teach converting factory default settings, preferred roaming list data or transferring the data at the time of manufacture.

Hayes teaches a wireless programmer for updating the programmed memory, where the reprogramming can include an operational parameter or to change the content corresponding to user settings, manufacturing date codes or to activate the device via a wireless data transfer, column 3, lines 1-19 and column 3, line 65 to column 4, line 19. Hayes further teaches the wireless programmer may be used to reprogram the memories of the device after the devices have been manufactured and packaged but prior shipment from the factory or provided to the user in a stand alone kiosk or for use by the dealer after the device has been distributed to the user, column 4, line 57 to column 5, line 28.

Since Hayes teaches a specific purpose wireless programmer to reprogram a communication device before and after the device leaves the factory, it would have been obvious to one of ordinary skill in the art at the time of the invention to reprogram the communication device of Barnes via the wireless programmer of Hayes to update any operational parameter, a factory default setting or user settings such as a preferred roaming list data.

Barnes teaches the mobile communication unit comprising a conventional scanner or bar code or reader but Barnes modified does not specifically identify converting the data to be transferred to the mobile communications device into one or

more graphic representations readable by the optical capture mechanism of the mobile communication device.

Hayes teaches the wireless programmer comprises a personal PC, display and bar code reader, column 2, lines 36-51. Hayes further teaches the wireless programmer utilizes a short range RF link or could comprise a channel other than an RF channel such as an infrared channel or magnetic coupling to reprogram the communication device, column 4, lines 4-23.

Since Hayes teaches a wireless programmer which understands how to read image data, it would have been obvious to one of ordinary art at the time of the invention to identify the wireless programmer of Hayes to alternatively present the data as a bar code or other image data to transfer the imaged data via the image module of Barnes.

As to claims 18 and 19, Barnes teaches a method of transferring *data* to a mobile communication device having data storage locations therein, wherein the mobile communication device includes an optical capture mechanism (figure 1, paragraph 0028, multi-function communication device (101) that includes a conventional mobile phone and personal digital assistant capabilities and at least an image module (130)), the method comprising:

Reading the one or more graphic representations with the optical capture mechanism of the mobile communication device (paragraph 0029 and 0117, the device

comprising an image module with camera to capture digital photographs, bar codes, text and other image data),

Decoding, in the mobile communication device, the one or more graphic representations read by the optical capture mechanism, using the algorithm to convert the one or more graphic representations into data for storage in the mobile communication device (paragraphs 0029, 0117 to 0119, the image data is processed according to instructions or other information found in the scanned image or according to a user input with storage to various types of storage devices), and

Storing the *data* in data storage locations in the mobile communication device (paragraphs 0117, the image module includes the hardware, a camera and software used to receive and process image data per the user's instructions).

Hayes teaches a method of processing bar codes and other image data, but does not teach converting factory default settings, preferred roaming list data or transferring the data at the time of manufacture.

Hayes teaches a wireless programmer for updating the programmed memory, where the reprogramming can include an operational parameter or to change the content corresponding to user settings, manufacturing date codes or to activate the device via a wireless data transfer, column 3, lines 1-19 and column 3, line 65 to column 4, line 19. Hayes further teaches the wireless programmer may be used to reprogram the memories of the device after the devices have been manufactured and packaged but prior shipment from the factory or provided to the user in a stand alone kiosk or for

use by the dealer after the device has been distributed to the user, column 4, line 57 to column 5, line 28.

Since Hayes teaches a specific purpose wireless programmer to reprogram a communication device before and after the device leaves the factory, it would have been obvious to one of ordinary skill in the art at the time of the invention to reprogram the communication device of Barnes via the wireless programmer of Hayes to update any operational parameter, a factory default setting or user settings such as a preferred roaming list data.

Barnes teaches the mobile communication unit comprising a scanner or bar code or reader but Barnes modified does not specifically identify converting the data to be transferred to the mobile communications device into one or more graphic representations readable by the optical capture mechanism of the mobile communication device.

Hayes teaches the wireless programmed comprises a personal PC, display and bar code reader, column 2, lines 36-51. Hayes further teaches the wireless programmer utilizes a short range RF link or could comprise a channel other than an RF channel such as an infrared channel or magnetic coupling to reprogram the communication device, column 4, lines 4-23.

Since Hayes teaches a programmer capable to read image data, it would have been obvious to one of ordinary art at the time of the invention to identify the wireless programmer of Hayes to alternatively present the data as a bar code or other image data to transfer the imaged data via the image module of Barnes.

Barnes modified is silent as to determining, for each graphic representation read, whether the graphic representation is successfully captured and, if not, performing the reading step again until the capture is successful.

Hayes of Barnes modified teaches wireless data communication methods typically employ means for bit and byte synchronization and error detection or correction to ensure a reliable communication link, column 4, lines 19-41.

It would have been obvious to one of ordinary skill in the art at the time of the invention to realize the wireless programmer of Hayes to utilize an appropriate form of error detection and correction during the transfer of image data to the communication device of Barnes.

Conclusion

Reference the attached PTO-892 form for the prior art made of record and not relied upon but considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANE J. JACKSON whose telephone number is (571)272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Examiner, Art Unit 2618